HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

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WRIT APPEAL No : 103 of 2006

Between:

Ch. Narsireddy,
S/o. Satti Reddy, R/o. Aleru,

Nalgonda District.

..... APPELLANT

AND

The Conservator of Forests,
Warangal Circle, Warangal,
Warangal District & others.

....RESPONDENTS

::JUDGMENT::

Counsel for the Appellant : A. Prabhakara Rao
Counsel for the Respondents : G.P. for Forests

January 25, 2006

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Per G.S. Singhvi, CJ

This is an appeal for setting aside order dated 10.1.2006 passed by the

learned Single Judge in Writ Petition No. 709 of 2006, whereby he refused to interfere with the action taken by the Forest Range Officer, Flying Squad Party, Warangal to seize lorry bearing Registration No. AP-25-U-6938, but directed the Conservator of Forests, Warangal Circle, Warangal (respondent No.1) to dispose of the appeal filed by the appellant within a period of three weeks.

Learned counsel for the appellant fairly admitted that the appeal filed by his client against the decision of the competent authority to compound the offence and for release of the vehicle subject to payment of Rs. 3,24,222/- is pending, but submitted that the learned Single Judge should have entertained his prayer for temporary release of the vehicle. Learned counsel submitted that due to seizure of the vehicle, his client's business has been jeopardised and he is suffering irreparable injury, but without considering this important issue, the learned Single Judge declined relief to him.

In our opinion, there is no merit in the appellant's challenge to the order of the learned Single Judge. Since the appeal filed by the appellant against the decision of the competent authority to compound the offence is pending, there could be no justification for exercising the power of this Court under Article 226 of the Constitution of India only for the purpose of temporary release of the vehicle. The remedy, if any, available to the appellant is to file an application before the appellate authority for release of vehicle.

With the above observations, the writ appeal is dismissed.

While dismissing the writ appeal, we deem it proper to make it clear that if the applicant makes an application before the appellate authority for temporary release of vehicle, the same shall be considered and decided in accordance with law within the maximum period of two weeks from the date of submission.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

January 25, 2006

Pnb / svs